

REMARKS

Claims 1, 2, 5-12 and 16 currently appear in this application. The Office Action of September 19, 2006, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Claims 1, 2, 5-12 and 16 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

This rejection is respectfully traversed. Claim 1 has been amended to delete "or combinations thereof" so that the claims no longer read on hybrid plants.

With respect to deposit of the specific *Raphanus sativa* lines, it should be noted that the Examiner, in the Office Action mailed April 18, 2006, acknowledged that written description has been provided for the line V33 (ATTCC PTA-3630). However, as shown in Example 1, lines CGN 6924 and CGN 7240 were used to generate line V33. Lines CGN 6924 and CGN 7240 were publicly available through CGN Plant Research International (formerly CPRO-DLO) in Wageningen, the Netherlands, which provides unrestricted availability of germplasm held in its genebank.

37 CFR 1.802 (b) states

Biological material need not be deposited unless access to such material is necessary for the satisfaction of the statutory requirements for patentability under 35 U.S.C. 112. If a deposit is made, it shall be acceptable if made in accordance with these regulations. Biological material need not be deposited, inter alia, if it is known and readily available to the public or can be made or isolated without undue experimentation... [emphasis added]

Thus, material that is publicly available need not be deposited to fulfill the enablement requirement, as this requirement is only applicable to material which is not available publicly or cannot be made based upon a written description. As the claims are now limited to V33, CGN 6924 and CGN 7240, it is respectfully submitted that there is sufficient written description that one skilled in the art can reasonably conclude that the inventors had possession of the claimed invention.

Claims 1, 2, 5-12 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

This rejection is respectfully traversed. Claim 1 has been amended to delete "or combinations thereof" so that the claims no longer read on hybrid plants.

As noted above, the Examiner has acknowledged that the V33 *Raphanus sativa* plant has been deposited, and the CGN 6924 and CGN 7240 lines are publicly available so that there is no need for a deposit.

With respect to the Examiner's comment on the age of references and evidence showing unpredictability and complexity of anthocyanin accumulation in *Raphanus*, it is respectfully submitted that the present amendment to the claims obviates the need to comment hereon. The present claims are fully enabled, as the three *R. sativa* lines claimed herein have the genetic capability of inheriting the genes for anthocyanin accumulation in a stable manner. Detailed knowledge of the genes involved is not required, as has been submitted previously. This was clearly shown by using lines CGN 6924 and CGN 7240 to generate the line V33, which was found to have very high anthocyanin levels, demonstrating that V33 is stable for this trait.

Nonetheless, it is noted that Savoskin states in the Introduction, paragraph 2, that anthocyanin synthesis (of root anthocyanins) is regulated by a single gene. This can hardly be seen as genetically complex. The complexity of Savoskin appear to arise through artificial chromosome doubling, generating tetraploids.

Appln. No. 10/625,628  
Amd. dated October 13, 2006  
Reply to Office Action of September 19, 2006

In view of the above, it is respectfully submitted  
that the claims are now in condition for allowance, and  
favorable action thereon is earnestly solicited.

Respectfully submitted,

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## CGN Plant Genetic Resources



Welcome to the internet site of the Plant Genetic Resources (PGR) cluster of the Centre for Genetic Resources, the Netherlands (CGN).

On this site you can find information about the organisation of CGN-PGR, CGN's crop collections, related research and protocols, and also a searchable database with possibilities for ordering crop germplasm material online.

The Centre for Genetic Resources, the Netherlands (CGN) is part of Wageningen University and Research Centre. CGN-PGR maintains the Dutch genebank for plant genetic resources for food and agriculture under a mandate of the Netherlands government. In addition, CGN is involved in on-farm conservation programmes. CGN's mission is to contribute to global conservation efforts. CGN considers as a leading principle the notion that the value of germplasm depends on the knowledge over and availability of that germplasm. In this context, CGN recognizes the need to integrate ex situ and in situ conservation approaches and the will to collaborate with all

stakeholders.

CGN has traditionally adhered to a policy of unrestricted availability of germplasm held in its genebank. In the interest of keeping this material available for future research and utilization, CGN has undertaken not to claim legal ownership over the germplasm held in its genebank, or to seek any intellectual property rights over that germplasm or related information.

# CGN Passport data search results

This is the list of accessions that correspond to the query as formulated in the searchform. The accession number links to a page with all known data of the selected accession.

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If the accession has pictures available a camera icon will be displayed, which links directly to the images section of the detail page of that accession.

## Your query was:

Genus: Raphanus  
Ordered by Taxon, Ascending.

This query resulted in 298 hits.

Displaying page 2 of 3, records 101 to 200.

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	CGN number	Species	Accession name	Country	Image (s)
<input type="checkbox"/>	CGN06925	<i>Raphanus sativus</i> group Giant Radish		China	
<input type="checkbox"/>	CGN11984	<i>Raphanus sativus</i> group Giant Radish		Republic of Korea	
<input type="checkbox"/>	CGN07309	<i>Raphanus sativus</i> group Giant Radish		Republic of Korea	
<input type="checkbox"/>	CGN06926	<i>Raphanus sativus</i> group Giant Radish		China	
<input type="checkbox"/>	CGN06919	<i>Raphanus sativus</i> group Giant Radish		Germany	
<input type="checkbox"/>	CGN06928	<i>Raphanus sativus</i> group Giant Radish		China	
<input checked="" type="checkbox"/>	CGN07240	<i>Raphanus sativus</i> group Giant Radish		China	
<input type="checkbox"/>	CGN06911	<i>Raphanus sativus</i> group Giant Radish		Republic of Korea	
<input type="checkbox"/>	CGN07241	<i>Raphanus sativus</i> group Giant Radish		China	
<input type="checkbox"/>	CGN06922	<i>Raphanus sativus</i> group Giant Radish		Japan	
<input type="checkbox"/>	CGN06929	<i>Raphanus sativus</i> group Giant Radish		India	
<input type="checkbox"/>	CGN06931	<i>Raphanus sativus</i> group Giant Radish			
<input checked="" type="checkbox"/>	CGN06924	<i>Raphanus sativus</i> group Giant Radish		Germany	
<input type="checkbox"/>	CGN06940	<i>Raphanus sativus</i> group Mougrí			
<input type="checkbox"/>	CGN06941	<i>Raphanus sativus</i> group Mougrí			
	CGN07289	<i>Raphanus sativus</i> group	18-Daagse	Netherlands	

<input type="checkbox"/>	Radish			
<input type="checkbox"/>	CGN17290 <i>Raphanus sativus</i> group Radish	Akanaga	Japan	
<input type="checkbox"/>	CGN22068 <i>Raphanus sativus</i> group Radish	Bolide	Netherlands	
<input type="checkbox"/>	CGN23465 <i>Raphanus sativus</i> group Radish	Boy	Germany	
<input type="checkbox"/>	CGN21725 <i>Raphanus sativus</i> group Radish	Chi Hua Bai Lou Bu		
<input type="checkbox"/>	CGN14012 <i>Raphanus sativus</i> group Radish	Claro	Denmark	
<input type="checkbox"/>	CGN23466 <i>Raphanus sativus</i> group Radish	Columbia	Netherlands	
<input type="checkbox"/>	CGN17288 <i>Raphanus sativus</i> group Radish	Comet		
<input type="checkbox"/>	CGN21726 <i>Raphanus sativus</i> group Radish	Csan Srin Van Mei		
<input type="checkbox"/>	CGN21724 <i>Raphanus sativus</i> group Radish	Da Hung Pao	China	
<input type="checkbox"/>	CGN21721 <i>Raphanus sativus</i> group Radish	Early Sc.Gl.M.Top.	United States	
<input type="checkbox"/>	CGN23699 <i>Raphanus sativus</i> group Radish	Eiszapfen		
<input type="checkbox"/>	CGN23700 <i>Raphanus sativus</i> group Radish	Eterna	Germany	
<input type="checkbox"/>	CGN21722 <i>Raphanus sativus</i> group Radish	Fix	France	
<input type="checkbox"/>	CGN23467 <i>Raphanus sativus</i> group Radish	Flamboyant		
<input type="checkbox"/>	CGN07290 <i>Raphanus sativus</i> group Radish	French Breakfast; Flamboyant, Halflange Rode Grootwitpunt	France	
<input type="checkbox"/>	CGN07280 <i>Raphanus sativus</i> group Radish	French Breakfast; Halflange Rode Grootwitpunt; Flamboyant	France	
<input type="checkbox"/>	CGN17285 <i>Raphanus sativus</i> group Radish	French Breakfast		
<input type="checkbox"/>	CGN07291 <i>Raphanus sativus</i> group Radish	Gaudry; Gefion	France	
<input type="checkbox"/>	CGN14002 <i>Raphanus sativus</i> group Radish	Gaudry	Denmark	
<input type="checkbox"/>	CGN18475 <i>Raphanus sativus</i> group Radish	Grosset	Netherlands	
<input type="checkbox"/>	CGN21723 <i>Raphanus sativus</i> group Radish	Guo Guang	China	
<input type="checkbox"/>	CGN23698 <i>Raphanus sativus</i> group Radish	Halbrot Halbweis		
<input type="checkbox"/>	CGN06943 <i>Raphanus sativus</i> group Radish	Halflange Rode Kleinwitpunt; Demi-Long Ecarlate a Tres Petit Bout Blanc	France	
<input type="checkbox"/>	CGN11996 <i>Raphanus sativus</i> group Radish	Halflange Rode Kleinwitpunt; Demi-Long Ecarlate a Tres Petit Bout Blanc	France	
<input type="checkbox"/>	CGN11997 <i>Raphanus sativus</i> group Radish	Halflange Rode Kleinwitpunt-Buro; Demi-Long Ecarlate a Tres Petit Bout Blanc	France	
<input type="checkbox"/>	CGN07292 <i>Raphanus sativus</i> group Radish	Halfrood Halfwit; Rond Rose a Tres Grand Bout Blanc; Ronde Rode Grootwitpunt	France	

## Details for one accession

### ***Raphanus sativus group Giant Radish***

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#### Identifiers

Accession number: CGN07240  
Accession name:  
Crop: cruciferae (Raphanus sativus group giant radish)  
Population type: Research material

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#### Classification

Genus: *Raphanus*  
Species: *sativus*  
Subtaxon: group Giant Radish

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#### Origin information

Collecting number:  
Country of origin: China  
Collection site: Peking  
Latitude:  
Longitude:  
Altitude:  
Collecting date: 1973---  
Donor institute: Stichting voor Plantenveredeling, Wageningen, Netherlands  
Donor number: RS 2.01  
Other numbers:  
Origin address:  
Origin type: inst/gene bank/breed.comp

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#### Other information

General ancestral information: mixture of ZIGUK-nrs: Ra 109/64, 108/60, 102/65 and 114/65

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## Details for one accession

### ***Raphanus sativus group Giant Radish***

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#### Identifiers

Accession number: CGN06924  
Accession name:  
Crop: cruciferae (Raphanus sativus group giant radish)  
Population type: Research material

#### Classification

Genus: *Raphanus*  
Species: *sativus*  
Subtaxon: group Giant Radish

#### Origin information

Collecting number:  
Country of origin: Germany  
Collection site:  
Latitude:  
Longitude:  
Altitude:  
Collecting date: 1973—  
Donor institute: Stichting voor Plantenveredeling, Wageningen, Netherlands  
Donor number: RS 2.07  
Other numbers:  
Origin address:  
Origin type: inst/gene bank/breed.comp

#### Other information

General ancestral information: mixture of ZIGUK-nrs: Ra 12/69 and 4/72

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